

appointment. LEAs shall provide brief written discussions supporting a recommendation of termination and attach any existing documentation. Upon receipt of a recommendation of termination, the Division will investigate and reach a decision on whether to terminate.

Termination

The surrogate parent appointment shall be terminated at the request of the surrogate parent or in the event of any of the following situations:

- A. the conclusions of the initial educational evaluation indicate that the student does not qualify for receiving special education;
- B. the student's parent or guardian reappears to represent him or her, or wardship is terminated;
- C. the student is no longer in need of special education services;
- D. the student reaches the age of majority;
- E. the surrogate parent fails to fulfill their responsibilities as defined by state and federal regulations; and,
- F. the student graduates and/or reaches age 21.

8. TRANSFER OF PARENTAL RIGHTS AT AGE OF MAJORITY

When a student with a disability reaches age 18, the local school district or responsible public agency shall provide any required notice to both the student and the parents. All other rights accorded to parents under Part B of IDEA transfer to the student. **All rights accorded to parents transfer to students, at age 18, who are incarcerated in an adult or juvenile, State or local correctional institution.** The student and parent must be notified of the transfer of rights. The transfer does not apply if the student is declared incompetent by a court of competent jurisdiction. [**Transfer of rights to students who are incarcerated in an adult state correctional institution occurs upon incarceration regardless of whether the student has reached age 18.**]

9. DISCIPLINARY ACTIONS/REMOVALS/EXPEDITED HEARINGS

Ten (10) School Days or Less

A child may be removed from his current placement for ten school days or less by the school district, to an appropriate interim alternative educational setting, another setting, or suspension without providing services, unless the conduct involves drugs or weapons, in which case the change may be for 45 days and would require services in an alternative setting as explained below or the conduct involved is unrelated to the child's disability, in which case the change may involve a long-term suspension or expulsion and would require services in an alternative setting as explained below. A long-term suspension is a suspension in excess of ten (10) days consecutively, or in excess of ten (10) days cumulatively in a school year where a pattern of suspension is created. To determine if a pattern is created, three factors are considered: duration of each removal, frequency of each removal, and total amount of time child is removed for that school year.

45 Days